

# ASDO NEPA DOCUMENT ROUTING SHEET

NEPA Document Number: **DOI-BLM-AZ-A010-2011-0019-CX**

Project Title: **Rio Virgin Fiber Optic Cable Right-of-Way AZA-35735**

Project Lead: **Laurie Ford**

Date that any scoping meeting was conducted: N/A

Date that concurrent, electronic distribution for review was initiated: July 12, 2011

Deadline for receipt of responses: **August 1, 2011**

ID Team/Required Reviewers will be determined at scoping meeting or as a default the following:

Gloria Benson, Tribal Liaison  
Diana Hawks, Recreation/Wilderness/VRM  
Laurie Ford, Lands/Realty/Minerals  
Jeff Young, Wildlife/T&E Animals  
John Herron, Cultural Resources  
Jacquilyn Roaque, Special Status Plants  
Ray Klein, GCPNM Supervisory Ranger  
Whit Bunting, Range/Vegetation/Weeds/S&G  
Richard Spotts, Environmental Coordinator  
John Sims, Supervisory Law Enforcement  
Lorraine Christian, ASFO Field Manager

Required Recipients of electronic distribution E-mails only (not reminders):

Andi Rogers (E-mail address: arogers@azgfd.gov)  
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*(Ms. Rogers and Ms. Reif are Arizona Game and Fish Department (AGFD) habitat specialists. Ms. Skrzynski is Environmental Program Director for the Kaibab Paiute Tribe (KPT). They may review and/or forward on ASDO NEPA documents to other employees. If a Project Lead receives comments from any AGFD employee on their draft NEPA document, they should include them in the complete set/administrative record and share them with Jeff Young as the ASDO Wildlife Team Lead. Mr. Young will then recommend how these comments should be addressed. If a Project Lead receives comments from any KPT employee, they should include them in the complete set/administrative record and share them with Gloria Benson as the ASDO Native American Coordinator. Ms. Benson will then recommend how these comments should be addressed.)*

Discretionary Reviewers:

N/A

# **Rio Virgin Fiber Optic Cable Right-of-Way**

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**NEPA Document Number: DOI-BLM-AZ-A010-2011-0019-CX**

*Categorical Exclusion Documentation*

## **A. Background**

BLM Office: Arizona Strip Field Office

Case File No.: **AZA-35735**

Proposed Action Title/Type: Rio Virgin Fiber Optic Cable Right-of-Way

Location of Proposed Action: The proposed action is located in the area near the Interstate 15 bridge at Beaver Dam within the following described area and as shown on the attached map (Attachment 1):

Gila and Salt River Meridian, Arizona

T. 40 N., R. 15 W.,

sec. 4, NE1/4SW1/4.

containing 0.321 acres, more or less

Description of Proposed Action: The proposed action is to trench and place two one and one fourth inch pipes along side of an existing copper telephone cable authorized by right-of-way AZA-23258. One fiber optic cable would be installed in one pipe and the second pipe would be a spare in the event future upgrading becomes necessary. Trenching would be as close as possible to the copper telephone cable along the fence line and then crossing under Arizona Department of Transportation right-of-way fence toward the Interstate 15 bridge abutment where the cable would be installed in an existing attachment under the bridge. The affected area would be the same as for the existing copper telephone cable as shown in the photos in Attachment 2. Right-of-way length and width would be, 1,400 feet long by 10 feet wide. Right-of-way grant would be subject to all provisions of 43 CFR 2800 including the terms and conditions identified in 43 CFR 2805 and special conditions listed in Attachment 3.

## **B. Land Use Plan Conformance**

Land Use Plan (LUP) Name: Arizona Strip Field Office Resource Management Plan

Date Approved: January 29, 2008

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision:

*MA-LR-06 – Individual land use authorizations (ROWs, permits, leases, easements) will be evaluated on a case-by-case basis in accordance with other RMP provisions and NEPA compliance. New land use authorizations will be discouraged within avoidance areas (i.e., ACECs, lands supporting listed species, NHTs, riparian areas, and areas managed to maintain wilderness characteristics) and allowed in such areas only when no reasonable alternative exists and impacts to these sensitive resources can be mitigated. New ROWs will be routed away from high-density listed species' populations and cultural sites, and along the edges of avoidance areas. In addition, mitigation measures may include underground placement of linear ROWs along existing roads in the House Rock Valley area and special protection measures for archaeological resources (See Special Status Species and Cultural decisions).*

The proposed right-of-way crosses over the Virgin River Area of Critical Environmental Concern (ACEC) where the cable would be attached to the Interstate 15 bridge, but no disturbance would take place in the ACEC. The proposed right-of-way is not within avoidance areas and is within an existing disturbed right-of-way. No new surface disturbance is proposed. In addition, the proposed action does not conflict with other decisions in the LUP.

**C: Compliance with NEPA:**

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E(12), which provides for grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way.

This categorical exclusion is appropriate in this situation because no new surface disturbance is proposed and there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply (Attachment 4).

I considered the minimal impacting nature of the proposal within an existing right-of-way and previously disturbed area along with the additional special conditions identified in Attachment 3 which would not cause appreciable damage or disturbance to the public lands, their resources, or improvements.

**D: Signature**

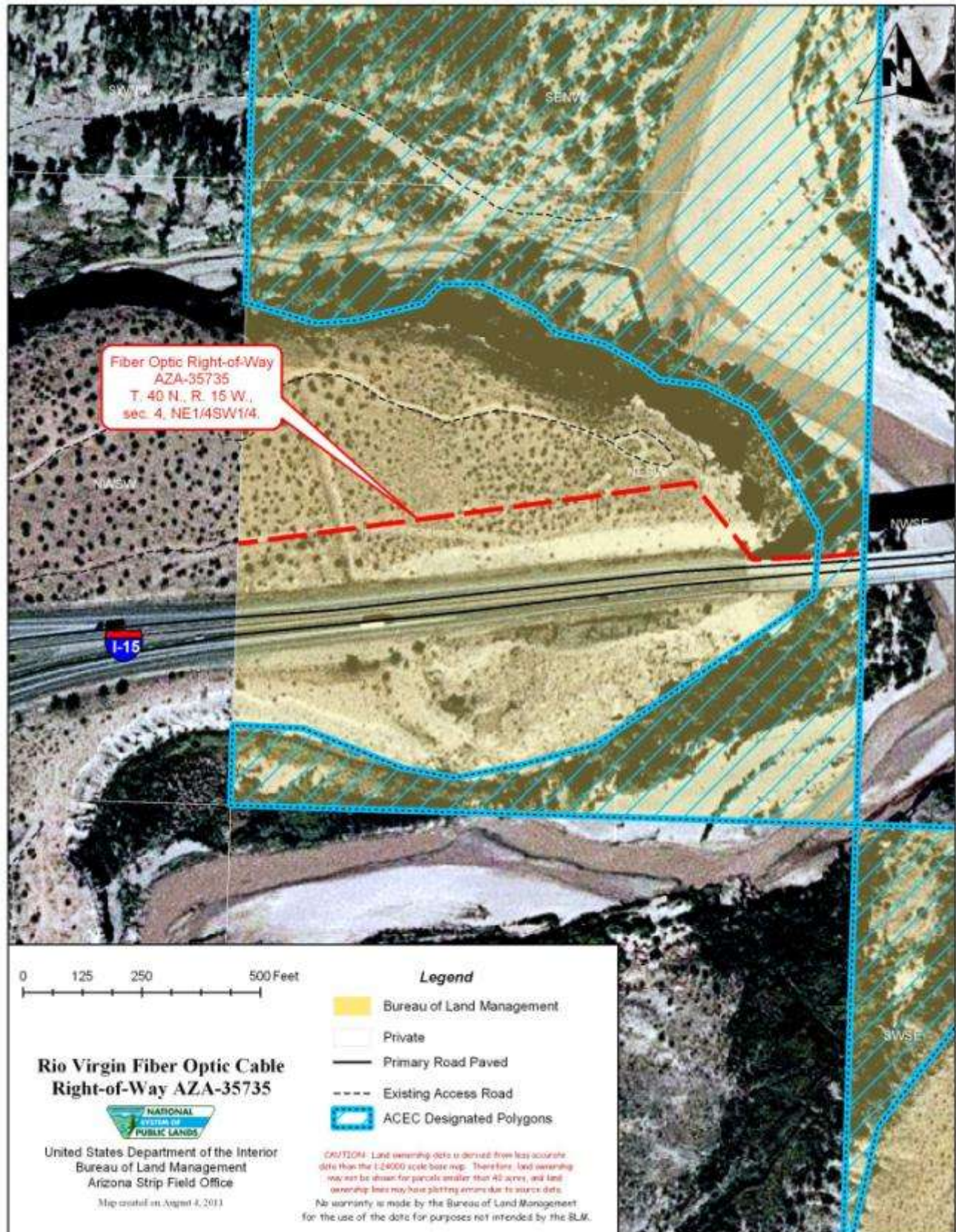
Authorizing Official: \_\_\_\_\_ Date: \_\_\_\_\_  
Lorraine M. Christian, Field Manager

**Contact Person**

For additional information concerning this CX review, contact Laurie Ford, Team Lead, Lands and Geological Sciences, BLM, Arizona Strip Field Office, 345 East Riverside Drive, St. George, Utah 84790; phone (435) 688-3271.

# Attachment 1

## Location Map Rio Virgin Fiber Optic Cable Right-of-Way AZA-35735





## Attachment 2

### Location Photos Rio Virgin Fiber Optic Cable Right-of-Way AZA-35735



## Attachment 3

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### Special Conditions Rio Virgin Fiber Optic Cable Right-of-Way AZA-35735

1. Construction/maintenance sites would be maintained in a sanitary condition at all times; waste materials at those sites would be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment. "Waste" also includes the creation of micro-trash such as bottle caps, pull tabs, broken glass, cigarette butts, small plastic, food materials, bullets, bullet casings, etc. No micro-trash would be left at construction/maintenance sites and trash receptacles used at construction/maintenance sites would be wildlife proof.
2. At no time would vehicle or equipment fluids (including motor oil and lubricants) be dumped on public lands. All accidental spills would be reported to the authorized officer and be cleaned up immediately, using best available practices and requirements of the law, and disposed of in an authorized disposal site. All spills of federally or state listed hazardous materials which exceed the reportable quantities would be promptly reported to the appropriate state agency and the authorized officer.
3. Any surface or sub-surface archaeological, historical, or paleontological remains not covered in the Cultural Resource Project Record discovered during use, new construction, or additions would be left intact; all work in the area would stop immediately and the authorized officer (435-688-3323) would be notified immediately. Recommencement of work would be allowed upon clearance by the authorized officer in consultation with the archaeologist.
4. If in connection with use any human remains, funerary objects, sacred objects, or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (P. L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, the holder would stop use in the immediate area of the discovery, protect the remains and objects, and immediately notify the authorized officer. The holder would continue to protect the immediate area of the discovery until notified by the authorized officer that use may resume.
5. There is potential for the spread of noxious and invasive weeds from equipment contaminated with weed seed and/or biomass. To reduce this potential, the authorized officer would require the following measures be taken: a) The holder would thoroughly power wash and remove all vegetative material and soil before transporting equipment to the work site to help minimize the threat of spreading noxious and invasive weeds. This includes trucks, trailers, and all other machinery. b) The holder would be responsible for the eradication of noxious weeds within the right-of-way area throughout the term of the right-of-way. c) The holder would be responsible for consultation with the authorized officer and local authorities for implementing acceptable weed treatment methods. Any use of chemical treatments would be made using only chemicals approved in the *Final Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement* (June 2007b), by a state certified applicator who would abide by all safety and application guidelines as listed on the product label and Material Safety Data Sheet.
6. Use of herbicides would comply with the applicable Federal and state laws. Herbicides would be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of herbicides, the holder would obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, weed(s) to be controlled, method of application, location of storage and mixing areas, method of cleansing and disposing of containers, and any other information deemed necessary by the authorized officer. Emergency use of herbicides would be approved in writing by the authorized officer prior to such use.

7. Open trenches and ditches can trap small animals and can cause injury to large animals. To minimize risk of animal entrapment, avoid leaving trenches open overnight. Where trenches cannot be back-filled immediately, escape ramps should be constructed at least every 300 feet. Escape ramps can be short lateral trenches sloping to the surface or wooden planks extending to the surface. The slope should be less than 45 degrees (100 percent). Trenches that have been left open overnight would be inspected and animals removed prior to back-filling.
8. Holder would make work crews aware of the existence of two Beaver Dam Breadroot plants located in or near the right-of-way on adjacent private land and request efforts be made to avoid damaging the plants. These special status plants occur in the vicinity of a metal, delineator-looking post in the ground approximately 20 to 30 feet north of the fence line and 140 yards west of the border between private/BLM land.

## Attachment 4

### Extraordinary Circumstances Review and Checklist Rio Virgin Fiber Optic Cable Right-of-Way AZA-35735

<b>IMPORTANT:</b> Appropriate staff should review the circumstances listed below, and comment for concurrence. Rationale supporting the concurrence should be included where appropriate.		
EXTRAORDINARY CIRCUMSTANCES Does the proposed action...	YES/NO & RATIONALE (If Appropriate)	STAFF
1. Have significant impacts on public health and safety?	No	LFord
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness or wilderness study areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds (Executive Order 13186); and other ecologically significant or critical areas?	No	DHawks JHerron JYoung
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?	No	LFord
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	No	LFord
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?	No	LFord
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	No	LFord
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the Bureau or office?	No	JHerron
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?	No	JYoung JRoaque
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?	No	JYoung GBenson
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?	No	LFord
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners, or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?	No	GBenson
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?	No	WBunting



# Decision Memorandum

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## **Rio Virgin Fiber Optic Cable Right-of-Way AZA-35735**

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U.S. Department of the Interior

Bureau of Land Management

Arizona Strip Field Office

### **Approval and Decision**

Based on a review of the project described in the attached Categorical Exclusion documentation and field office staff recommendations, I have determined that the project is in conformance with the Arizona Strip Field Office Resource Management Plan (approved January 29, 2008) and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed with the special conditions identified in Attachment 3 of the CX.

### **Administrative Review or Appeal Opportunities**

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the attached Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the Arizona Strip Field Office, 345 East Riverside Drive, St. George, Utah 84790 within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

In accordance with 43 CFR 2801.10(b), this decision remains in effect pending appeal unless a stay is granted. If you wish to file a petition pursuant to regulations at 43 CFR 2801.10 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Department of the Interior, Office of the Field Solicitor, Sandra Day O'Connor U.S. Court House #404, 401 West Washington Street SPC44, Phoenix, AZ 85003-2151 (see 43 CFR 4.413) at the same time the original documents are filed in this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

#### Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

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Lorraine M. Christian, Field Manager

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Date